

PER 09 2024
COURT DEPUTY CLERK
PENNSYLVANIA

UNITED STATES OF AMERICA) CRIM. NO. 1:24-CR-00273
)
 v.)
 ASHLEY PHY)
)

MOTION FOR DETENTION

Pursuant to Title 18, United States Code Sections 3141 and 3142,
the United States of America moves for the detention of the above-named
defendant, and states in support thereof:

X 1. That the government is entitled to a detention hearing based upon the following:

_____. a. Defendant is charged with a crime of violence as defined in Title 18 U.S.C. Section 3156 or an offense listed in Title 18 U.S.C. 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed.

§ 3142(f)(1)(A); or

_____ b. Defendant is charged with an offense for which the maximum sentence is life imprisonment or death.

§3142(f)(1)(B); or

- _____ c. Defendant is charged with an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (Title 21, U.S.C. Section 801 et seq.), the Controlled Substances Export and Import Act (21 U.S.C. 951 et seq.) or Chapter 705 of Title 46. 18 U.S.C. § 3142(f)(1)(C); or
- _____ d. Defendant is presently charged with a felony and has been convicted of two or more offenses described in subparagraph a-c above, or two or more state or local offenses that would have been offenses described in subparagraphs a-c above if a circumstance giving rise to federal jurisdiction had existed or a combination of such offenses. § 3142(f)(1)(D); or
- X e. Defendant is charged with a felony that is not otherwise a crime of violence that involves a minor victim or that involves the possession or use of a firearm or destructive device (as those terms are defined in section 921), or involves any other dangerous weapon, or

involves a failure to register under Title 18, U.S.C. Section 2250. § 3142(f)(1)(E); or

_____ f. That a serious risk exists that defendant will flee. § 3142(f)(2)(A); or

_____ g. That a serious risk exists that defendant will obstruct or attempt to obstruct justice or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror. § 3142(f)(2)(B).

_____ 2. That a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community, in that:

_____ a. Defendant has been convicted of a federal offense described in subsection 1(a)-(e) above, or of a state or local offense that would have been an offense described in subsection 1(a)-(e) above if a circumstance giving rise to federal jurisdiction had existed; § 3142(e)(2)(A).

_____ b. The offenses described in paragraphs 1(a)-(e) above were committed while defendant was on release pending trial for a federal, state, or local offense; § 3142(e)(2)(B).

_____ c. A period of not more than five years has elapsed since the date of defendant's conviction, or the release from imprisonment, for the offenses described in paragraph 1(a)-(e), whichever is later. § 3142(e)(2)(C).

 X 3. That a rebuttable presumption arises that no condition or combination of ~~conditions~~ will reasonably assure the appearance of defendant as required and the safety of the community, in that:

_____ a. Defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (Title 21, U.S.C., Section 951 et. seq.), or the Controlled Substances Export and Import Act (21 U.S.C. 951 et seq.) or Chapter 705 of Title 46. § 3142(e)(3)(A);

_____ b. Defendant committed an offense under Title 18, U.S.C., Section 924(c), that is, defendant did during and in relation to any crime of violence or drug trafficking crime use or carry a firearm. § 3142(e)(3)(B);

 X c. Defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed or an offense involving a minor victim under Title 18, U.S.C., Sections 1201, 1591, 2241-42, 2244-45, 2251-52, 2260, 2421-23 or 2425. § 3142(e)(3)(E).

 X 4. The Government further submits that no condition or combination of conditions will reasonably assure the appearance of defendant as required and the safety of any other person and the community because:

 X a. Defendant is a danger to any other person or the community, and/or;

_____ b. Defendant is a flight risk.

- X 5. The defendant is currently in custody on other matters. The United States requests the entry of a detention order at this time without prejudice to a full detention hearing in the event that the defendant's custodial status changes.
6. The United States requests a continuance of three days (not including intermediate Saturday, Sunday, or legal holiday) in which to prepare for a hearing on this motion.
- §3142(f)(2).

Respectfully submitted,

GERARD M. KARAM
United States Attorney

Dated: October 9, 2024

BY: S/Joseph J. Terz
Joseph J. Terz
Assistant United States Attorney